

08/21/01



CPA #
162
AUG 23 2001
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PATENT
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**CONTINUED PROSECUTION
APPLICATION (CPA)
REQUEST TRANSMITTAL**
*(Only for Continuation or Divisional
applications under 37 CFR 1.53(d))*

Attorney Docket No. A31967-PCT-USA-A /
066031.0102

First Named Inventor Kaempfer et al.

Express Mail Label No. EF839853372US

Total Pages 12

August 20, 2001

BY EXPRESS MAIL: EF839853372US
Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Sir:

08/23/2001 GTEFFERA 00000012 09150947

01 FC:231	355.00 OP
02 FC:203	125.00 OP
03 FC:202	440.00 OP

This is a request for the filing of a

- ☒ Continued prosecution application (CPA) of prior application No. 09/150,947 filed on September 10, 1998, entitled "BROAD SPECTRUM PYROGENIC EXOTOXIN ANTAGONISTS AND VACCINES"

The term for response or taking action in the prior application expires on August 20, 2001 after a two-month extension of time (the Final Official Action is dated March 20, 2001, so the due date was June 20, 2001).

08/23/2001 GTEFFERA 00000013 09150947

01 FC:122 ✓ 130.00 OP -

- ☒ An extension of time for response in the prior application is:

☒ filed concurrently herewith.

☐ has been filed on _____.

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.

08/30/2001 LHUMES

01 FC:203

- ☒ A preliminary amendment is enclosed.

9.00 CH ✓

- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).



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☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

☐ Information Disclosure Statement (IDS) is enclosed.

☐ PTO-1449

☐ Copies of IDS Citations

Small entity status:

☐ A small entity statement is enclosed.

☒ A small entity statement was filed in the prior nonprovisional application and such status is still and proper desired.

☐ is no longer claimed.

The filing fee has been calculated as shown below:

FOR	(Col. 1) No. Filed	(Col. 2) *No. Extra	Small Entity Rate Fee	OR	Other Than A Small Entity Rate Fee
Basic Fee				\$355	\$710
Total Claims	34	-20= 14	x \$9=	\$126	x \$ 18 = \$
Ind. Claims	14	-3 = 11	x \$40 =	\$440	x \$ 80 = \$
Multiple Dependent Claim			+ \$135 =	\$	+\$270= \$
			Total	\$921	\$

* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

Calculation of extension fee (37 CFR 1.17(1)-(5)):

	Extension (months)	Fee for other than small entity	Fee for Small Entity
<input type="checkbox"/>	One month	\$110.00	\$ 55.00
<input checked="" type="checkbox"/>	Two months	\$390.00	\$195.00
<input type="checkbox"/>	Three months	\$890.00	\$445.00
<input type="checkbox"/>	Four months	\$1,390.00	\$695.00
<input type="checkbox"/>	Five months	\$1,890.00	\$945.00
			Fee <u>\$195.00</u>



CPA Trans.
PATENT

Attorney Docket No. A31967 PCT USA-A 066031.0102

☒ [X] If an additional extension of time is required, please consider this a petition therefor.
(check and complete the next item, if applicable)

☐ [] An extension for _____ months has already been secured and the fee paid therefor
of \$_____ is deducted from the total fee due for the total months of
extension now requested.

Extension fee due with this request \$ 195

☒ [X] Applicant requests suspension of action under 37 CFR 1.103(b) for a period of 3
months and the fee under 37 CFR 1.17(i) is included with this request of \$ 130.00

Fee Payment Being Made:


☒ [X] Enclosed

<input checked="" type="checkbox"/> [X] Basic filing fee	\$921.00
Extension of Time Fee	\$195.00
Suspension of Action Fee	\$130.00
Total Fees Enclosed	<u>\$1246.00</u>

☒ [X] A check in the amount of \$1246.00 is enclosed.

☐ [] Other

☒ [X] The Commissioner is hereby authorized to charge payment of any additional filing
fees required under 37 CFR 1.16, 1.17, and 1.21(h) associated with this communica-
tion or credit any overpayment to Deposit Account No. 02-4377. Two copies of this
sheet are enclosed.

By 
Rochelle K. Seide
Patent Office Reg. No. 32,300

Alicia A. Russo
Patent Office, Reg. No. 46,192

BAKER BOTTS, L.L.P.
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